

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.385 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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SUNIL CHANDRA SINGH S/O SRI SIYACHARAN SINGH R/O
VILLAGE- LAXMIPUR, BAKHARI, P.S- MAHUA, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

1. SEEMA SINGH W/O SUNIL CHANDRA SINGH R/O VISHNU BHAWAN COMPLEX, B/204, EAST BORING CANAL ROAD, P.S- BUDHA COLONY, DISTT.- PATNA.
2. ADITI SINGH D/O SUNIL CHANDRA SINGH R/O VISHNU BHAWAN COMPLEX, B/204, EAST BORING CANAL ROAD, P.S- BUDHA COLONY, DISTT.- PATNA.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv. Mr. Mayank Raj, Mr. Avinash Kumar
For the Respondent/s	:	Ms. Seema Singh (in person)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

7 28-10-2024 Heard learned counsel for the petitioner and learned
counsel appearing in person on behalf of the respondents.

2. Perused the impugned order dated 21.03.2024
passed by the learned Additional Principal Judge, Family Court,
Patna in Maintenance Case No. 100(M) of 2013.

3. Vide impugned order dated 21.03.2024, the learned
Family Court allowed the application under Section 125 of Cr.
P.C. submitted by the opposite party and directed the petitioner
to pay a monthly maintenance of Rs. 22,000/- to the opposite
party no.1/wife and Rs. 11,000/- to the opposite party no. 2,
Aditi Singh i.e. total Rs. 33,000/- monthly from the submission



of the application under Section 125 of Cr. P.C. and further directed to pay Rs. 40,000/- as a litigation cost.

4. At the time of argument, the only ground raised by the learned counsel for the petitioner is that after submission of the application under Section 125 Cr. P.C. before the Family Court, the petitioner has resigned his services on 06.03.2014. However, at the time of recording his statement in the Family Court, the petitioner was unable to produce any document showing his resignation has been accepted or not, therefore, the Family Court has passed the impugned order.

5. Referring to the reply dated 19.07.2016 given by the Executive Engineer, P.W.D., which has been obtained by the opposite party no.1 through R.T.I., learned counsel for the petitioner submits that after submission of the resignation, the petitioner has not been paid any amount by the concerned department and in place of the petitioner, some other person has already been recruited. Learned counsel submits that he may be permitted to withdraw this petition giving liberty to him to make an application before the concerned Family Court under Section 127 of Cr. P.C. for modification of the impugned order on this ground.

6. Ms. Seema Singh, learned counsel appearing for



the opposite parties submits that according to her knowledge, the petitioner is still working with the department of P.W.D. as Assistant Engineer. She further submits that since the impugned order has not been complied with by the petitioner, prayer for withdrawal of this petition may be rejected and the petitioner may be directed to firstly comply with the impugned order and entire arrears amount of the maintenance may be recovered from the petitioner.

7. Since the petitioner does not want to continue this petition and now, he wants to withdraw the petition. Therefore, he can not be compelled to pursue the petition. Accordingly, the petition is dismissed as withdrawn giving liberty to the petitioner to make an application before the Family Court for modification of the impugned order, if he so advised.

8. Opposite parties is also advised to make appropriate application before the Family Court itself for execution of the impugned order dated 21.03.2024, if she desires.

9. With the aforesaid observation, this revision petition is dismissed.

(Arvind Singh Chandel , J)

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